REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to a Final Office Action mailed on January 23, 2003. Claims 1-14 and 16-29 are rejected. Claim 15 is objected. Claims 1, 11, 23-27, and 29 have been amended. No new matter has been added.

The Examiner further objected to claim 29 under 35 U.S.C. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 29 has been amended to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claims 1, 3-6, 8, 9, 11, 16-18 and 22-29 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Babula, et al., (U.S. Patent No. 6,381,557, hereinafter "Babula"). Claims 2, 7, 10, 12-14 and 19-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Babula, et al., in view of Applicant's Admissions of the prior art.

Babula discloses a technique for evaluating the operative state of a medical diagnostic system. The evaluation is performed by a remote service facility that receives service requests pertaining to the medical diagnostic system over a network.

Contrary to Babula, the presently claimed invention provides a diagnostic mechanism for consumer electronic devices. The Examiner asserts that a consumer electronic device can be interpreted as a medical diagnostic system (Final Office Action, page 9). However, such interpretation would be unreasonably broad in view of the common usage of this term and the definition of this term in the present application. In particular, the present application defines consumer electronic devices as devices that can be "commonly found in the average home" (page 1, lines 11-12) and states that such "devices may include personal computers, workstations, digital televisions, Personal Video Recorders (PVR's), set-top boxes, digital

video recorders, game devices, personal digital assistants (PDA's), printers, audio devices (e.g., jukebox AV systems, CD players and mini-disc players), and audio/video (AV) hard drives" (page 1, lines 12-16) and that the "ownership of a variety of electronic devices provides a user with an enhanced living experience" (page 1, lines 17-18). Medical diagnostic systems are clearly outside the scope of consumer electronic devices as defined in the present application.

Furthermore, in Babula, both a field service unit and a management station that are considered by the Examiner as equivalents of a testing consumer electronic device of the presently claimed invention have a primary function of addressing service requests pertaining to the operation of the medical diagnostic system. The testing consumer electronic device claimed in the present invention, in contrast, operates according to its conventional electronic consumer device functionality, and in addition performs extra functionality of diagnosing other electronic devices when they fail to operate properly. Accordingly, Babula does not teach or suggest at least the features of the present invention that are included in the following language of claim 1:

> ...providing a diagnostic procedure to control diagnosis of the one or more potentially faulty consumer electronic devices by at least one testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality to diagnose the one or more potentially faulty consumer electronic devices locally.

Similar language is also included in independent claims 11, 23-27. Thus, Babula lacks at least the above pertinent features of the present invention as claimed in independent claims 1, 11 and 23-27.

Applicants respectfully submit that Applicants' invention as claimed in independent claims 1, 11 and 23-27 is not anticipated by Babula, and respectfully request the withdrawal of the rejections under 35 U.S.C. §§102(e) and 103(a). Claims 2-10 depend from

independent claim 1, claims 12-22 depend from independent claim 11, and claim 28 depends from independent claim 27. Each of these dependent claims includes limitations as discussed above along with some additional limitations. Therefore, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§102(e) and 103(a). Applicants furthermore submit that all pending claims are in condition for allowance, which action is earnestly solicited.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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VERSION OF CLAIMS WITH MARKINGS:

1. (Amended) A method for diagnosing consumer electronic devices, the method comprising:

receiving information indicative of a problem with one or more potentially faulty consumer electronic devices; and

providing a diagnostic procedure to control diagnosis of the one or more potentially faulty consumer electronic devices by at least one testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality [operable] to diagnose the one or more potentially faulty consumer electronic devices locally.

11. (Amended) A method for diagnosing consumer electronic devices, the method comprising:

collecting data concerning functionality of a potentially faulty consumer electronic device using a testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality [operable] to diagnose the potentially faulty consumer electronic device locally;

utilizing the collected data to identify a problem with the potentially faulty consumer electronic device; and

when the problem is identified, notifying a user about the problem.

23. (Amended) An apparatus for diagnosing consumer electronic devices, the apparatus comprising:

means for receiving information indicative of a problem with one or more potentially faulty consumer electronic devices; and

means for providing a diagnostic procedure to control diagnosis of the one or more potentially faulty consumer electronic devices by at least one testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality [operable] to diagnose the one or more potentially faulty consumer electronic devices locally.

24. (Amended) An apparatus for diagnosing consumer electronic devices, the apparatus comprising:

a user interface to facilitate user input of information indicative of a problem with one or more potentially faulty consumer electronic devices; and

a gateway device to provide a diagnostic procedure to control diagnosis of the one or more potentially faulty consumer electronic devices by at least one testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality [operable] to diagnose the one or more potentially faulty consumer electronic devices locally.

25. (Amended) An apparatus for diagnosing consumer electronic devices, the apparatus comprising:

means for collecting data concerning functionality of a potentially faulty consumer electronic device using a testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality [operable] to diagnose the potentially faulty consumer electronic device locally;

means for utilizing the collected data to identify a problem with the potentially faulty consumer electronic device; and

means for notifying a user about the problem when the problem is identified.

26. (Amended) An apparatus for diagnosing consumer electronic devices, the apparatus comprising:

a data collector to collect data concerning functionality of a potentially faulty consumer electronic device using a testing consumer electronic device that has, in addition to conventional consumer electronic device functionality, extra functionality [operable] to diagnose the potentially faulty consumer electronic device locally;

a problem identifier to utilize the collected data to identify a problem with the potentially faulty consumer electronic device; and

a user interface to notify a user about the problem when the problem is identified.

27. (Amended) A system comprising:

one or more potentially faulty consumer electronic devices;

at least one testing consumer electronic device, coupled to the one or more potentially faulty consumer electronic devices, the at least one consumer electronic device having, in addition to conventional consumer electronic device functionality, extra functionality to diagnose the one or more potentially faulty consumer electronic devices; and

a diagnostic procedure host device, coupled to the at least one testing consumer electronic device, to control diagnosis of the one or more potentially faulty consumer electronic devices, the diagnosis being performed by the at least one testing consumer electronic device locally.

29. (Amended) The system of claim 27 wherein the diagnostic procedure host device is a component of the at least one testing consumer electronic device.